

Pamela Anderson on the Slippery Slope

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IN NOVEMBER 1997 a Seattle-based business, Internet Entertainment Group (IEG), placed on its "Club Love" Web site a home video depicting genital sexual acts involving actress and model Pamela Anderson and her then husband, Tommy Lee, drummer for the rock group Mötley Crüe.¹ After a brief legal battle, IEG continued to distribute the images online and through sales as a fifty-four-minute tape. The images were widely used on other pornography Web sites, making the tape one of the most successful porn videos of all time, and the footage the most widely seen home movie since the Zapruder film of the Kennedy assassination.

The surrounding events help mark a significant change in three interrelated areas that govern celebrity and star image in the 1990s: the effects of technological change in media circulation, the law governing privacy and publication rights, and shifting social boundaries of acceptable sexual behavior.

PAMELA

Pamela Anderson (b. 1967, British Columbia, Canada) first attained fame as a busty spokesmodel for Labatt's beer in 1989. An appearance as a *Playboy* Playmate followed, and then Playmate of the Year, and TV sitcom appearances in bimbo roles (*Married . . . with Children* and *Home Improvement*). In 1992 she joined the regular cast of the lifeguard drama series *Baywatch* and remained on the show for five years. Anderson then

had the title role in the Hollywood film based on an adventure comic book, *Barb Wire* (1996). An action film set in a post-nuclear-war future, it failed at the box office, but Anderson gave a credible performance in a plot lifted from *Casablanca*, with herself in the Rick role. In 1998 she produced and starred in *VIP*, a slightly campy television syndication series, based on three sexy women who operate a bodyguard/detective agency.

Repeat appearances in *Playboy* and *Playboy* videos in the 1990s and a steady role on *Baywatch* gave her very strong public recognition. Although generally disparaged by critics, *Baywatch* was the most successful TV series internationally in the 1990s, even playing well in countries with very socially conservative media policies. The show featured simple action-based good-versus-evil plots, lots of conventionally attractive, athletic people exhibiting their bodies in swimsuits but very little sex or even romance, or character psychology or development. Anderson fit in, wearing a standard costume of a bright red swimsuit exposing lots of thigh and cleavage (enhanced by breast augmentation). *Baywatch* episodes often showed lifeguards involved in charitable acts: the pretty people doing good for the less pretty ones.

Anderson's star image evolved in two different but complementary registers. While looking like a blonde bimbo, as a *Baywatch* lifeguard she showed she was a team player, could take action, catch the bad guys, and help the innocent and unprotected. At the same time, with repeat *Playboy* appearances, she presented a sexy and alluring body, including discreet depiction of her external genital area, somewhat obscured by immaculately groomed pubic hair. (*Playboy's* pictorials provided a "good taste" contrast to the notorious *Hustler* photos of women exhibiting anus and open labia, with *Penthouse* occupying an in-between position on explicit display.)

Her press personality has been friendly and straightforward. Recent interviews present the persona of a smart businesswoman, cool and self-possessed about protecting her person and children, unabashed about posing nude, and willing to be frank about sex (e.g., in a recent *Playboy* interview she discusses anal sex). Her star image ranges widely enough that people who know her image from TV and mainstream publicity (e.g., *People* magazine) can be aware of her posing nude without having seen any of the nude photographs. (It is quite easy in countries with liberal media policies, for those who are interested to access these pictures.)

CELEBRITY AND SEXUAL REPRESENTATION

Modern pinups begin with nineteenth-century photo images of female performers on stage and in circuses presented as collector's cards in cigarette packages. Body display was "justified" by profession, although "respectable" society equated female performers with prostitutes. The Hollywood studio era produced a massive expansion in pinup imagery as part of its publicity machine while trying to control any scandal. An endless process of exploitation and control of star image is an inherent part of image circulation in the era of mass reproduction. Celebrity intersects with various gatekeepers in the public sphere, and the pull of star machinery works with and against the push of social forces governing sexuality. To quickly cite some familiar examples: in 1984 Vanessa Williams, the first African American Miss America, had to surrender her title when earlier photos of nude modeling became public. Williams nonetheless continued with a successful career in singing and screen acting. Similarly, after initial success, two nude photo sessions of Madonna appeared that served largely to promote her "push the limits" star image, highlighted frequently afterwards.² Paul Reubens, star of the popular kids' TV program *Pee-wee's Playhouse*, lost his show when he was arrested for exposing himself in an adult movie theater; but the show was rerun in the late 1990s on the Family Channel (after Rupert Murdoch purchased the channel from archconservative evangelist Pat Robertson). Rising young star Rob Lowe had his career derailed when tapes of his sexual escapades became public. Other recent star scandals surrounded arrests on sex charges for Hugh Grant (caught with a street prostitute), Eddie Murphy (caught with a transvestite street hooker), and George Michaels (caught masturbating in a public toilet), adding to the long string of star sex scandals detailed in tabloid newspapers. Yet, with time the public seems to excuse, forgive, or forget: Lowe returned as a principal in the network prime-time drama *The West Wing* in 1999. Or it remembers with amusement bordering on affection: thus former Olympic-hopeful skater Tonya Harding (costar of the *Tonya and Jeff's Wedding Night* videotape sold by her ex) becomes the butt of ongoing "trailer trash" jokes, and Charlie Sheen ends up joking on talk shows about his reputation as a frequent prostitution customer.

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in the still-Puritan U.S. context). Repeated allegations that Michael Jackson is a pedophile seem to have taken their toll on his career, and it seems unlikely that O. J. Simpson will be accepted again in the media.

THE TAPE AND THE LAW

Pamela Anderson married Tommy Lee after a very brief courtship in 1995. They recorded some of the early days of their relationship on a small handheld video recorder. They stored the tapes in a safe at home, but later that year during remodeling and repairs the tapes were stolen. Underground copies began circulating in 1996. In April 1996, with rumors that *Penthouse* had bought the tape and was about to publish photos from it, the pair appeared on Jay Leno's *Tonight Show*. Anderson was visibly pregnant and in an apparent attempt to contain the scandal, explained that the tapes were intended to be private and had been stolen.

Of course, in the nature of publicity and celebrity, the announcement served to heighten interest. In May 1996 *Penthouse* released its June 1996 U.S. issue with photos from the video, showing Lee's erect penis, close-ups of Anderson nude with her legs spread apart, and the couple engaged in oral and genital copulation. The couple immediately sued *Penthouse* to stop further publication on the basis of invasion of privacy. However, in August a California judge denied their claim, ruling that the settings depicted were not private places. The magazine showed photos taken in their vehicle on a highway and in the outdoor area of a houseboat, apparently on Lake Mead, a large mountain reservoir. The couple filed another suit in federal court, but in March 1997 a judge dismissed it, giving three reasons: (1) the photos were taken in public places and thereby the couple had given up claim to privacy, (2) the photos were "newsworthy" because the accompanying text included the couple's reactions to earlier French and Dutch versions of the pictures, and (3) the couple had revealed details of their private life.³

In two appearances by the couple on the Howard Stern radio show in October 1997, the host apparently played parts of the tape in the studio and commented on it, particularly about their physical attributes and activities. *Penthouse* sold the tape to Internet Entertainment Group (IEG), a leading purveyor of pornography on the World Wide Web, and in November 1997 IEG put the tape on its "Club Love" Internet site as a free digital movie. Immediately confronted with a suit, IEG stopped

Webcasting and the parties agreed to binding arbitration. A settlement was arranged in December. Apparently the couple thought the (still private) agreement amounted to a total "cease and desist," but IEG put the tape back on its site and began selling VHS video copies immediately. Again the couple sought relief in the courts, but in December 1998 a federal judge ruled that the couple had waived their rights in the 1997 agreement with IEG.

Some elaboration of the core legal issues may be helpful here. In general, U.S. courts have held that a certain threshold of celebrity (even when unintended—the lottery winner, or a witness to a news event) makes someone newsworthy and that freedom of the press and the public's interest in knowing override privacy. At the same time the press is not allowed to invade private property. (Acts that could be witnessed by the public in public places, or cameras in public places—looking in an open window—are okay; pushing aside curtains to peer inside or placing surveillance cameras in bathroom stalls are not.)

Stars, as celebrities who create and maintain an image, have the right to profit from their notoriety. Certain images can be regarded as intellectual property.⁴ The particular problems that Anderson and Lee faced were first, that the original *Penthouse* photos were published abroad, outside U.S. jurisdiction. The publication of the photos and the existing celebrity of the pair made subsequent publication "newsworthy." Second, *Penthouse* published images that were technically in public places (although common sense—not law—would regard them as private places). Third, by going along with Howard Stern's bawdy radio commentary on the tape, Anderson and Lee allowed the images to be part of their publicity (that is, information about them that serves to promote their star image, which is part of their intangible celebrity value). Thus the publicist's commonplace: there's no such thing as bad publicity (since all notoriety increases public awareness). Fourth, the court also found that they had been forthcoming about intimate details of their life before, for example, that her name is tattooed on his penis. Thus, Anderson and Lee could not easily claim that the tape was stolen intellectual property to which they had the sole rights. Privacy claims were compromised because under current American law, disclosure of a part for a limited purpose cancels claims of privacy over the whole.

(IEG's publication of the full tape leaves intact all of the bedroom scenes. But images from the set of *Barb Wire* are digitally blurred. A sequence at a Mötley Crüe studio rehearsal includes audio of instru-

ments, but no recognizable music because their songs are protected by copyright).

A plausible case could be made that although the couple had the obligation to sue to prevent distribution of the tape, the resulting publicity in fact was beneficial to their careers. A few years later, Anderson threw Lee out of the house, sued for divorce, and got a restraining order after he kicked her during a quarrel. She divorced him, appeared on Leno again as a woman standing against wife abuse—as a woman solely interested in protecting her children. Later, after Lee went through rehabilitation and anger management counseling, she allowed him back (with a strongly implied “he’s my kids’ father” excuse). Then it happened again, and she ended the relationship. These last events, the threatened appearance of another sex tape with another ex, rocker Brett Michaels of Poison, distributed by IEG, and the reduction of her breast implants rolled into the ongoing promotion of her show *VIP*. Another *Playboy* cover followed.

TECHNOLOGY

Pamela Anderson’s image developed through the diversity of media technology in the 1990s. She was celebrated in newspapers at birth because she was the first child born on the Canadian centennial. Her modeling career began at a football game she attended, when her busty image wearing a Labatt’s beer shirt was put on the stadium’s Jumbotron display and the crowd cheered wildly. *Playboy* images in print and *Playboy* videos extended her visibility, as did *Baywatch* and the many print swimsuit images connected with that show (advertising, entertainment press, pinup posters, etc.). In the 1990s the expansion of the Internet and the proliferation of cable/satellite television channels multiplied image outlets. Computer and software development made it easier for fans to generate their own sites with prominent use of images from many sources, including corporate sites or scanned copies of print images. Large media corporations such as Disney and *Playboy* extensively and intensively policed the Internet for copyright infringement. But this was complicated by the difficulty of tracking down site operators, the ease of setting up new sites, and the international nature of the traffic and complications of intellectual property law and enforcement. Anderson, for example, appears prominently on official and amateur

sites for *Baywatch*, and now *VIP*, as well as hosting her own “official” fan site (payment required for access). Her image can be found represented in news and publicity photos on commercial celebrity and entertainment news sites (free, supported by banner advertising), and on “friendly” fan sites (which present her in a positive light and present legal—and generally modest—images of her) as well as fan sites that use pirated (occasionally explicit) images.

The expansion of commercial pornography sites compounded policing problems. As with other new media technologies (e.g., the home video player, c. 1980), pornographers pioneered the field, moving farther and faster than legitimate product providers. Thus after *Penthouse* successfully exploited still images from the Anderson/Lee home video in its medium, IEG purchased the tape for its medium, the Internet.

By 1997 “streaming” technology and more advanced consumer computers allowed (relatively coarse) motion images to be broadcast over the Internet, bypassing established print/broadcast/video gatekeepers and control systems. IEG claimed it was the leader in Internet porn and its presentation of the Anderson/Lee images certainly catapulted its site to prominence. At the same time, competing porn sites pirated the material for their own use. In practical terms, for consumers, explicit images, including moving image highlights, of the stolen home video were widely available. At the time of writing this essay (summer of 2000) any standard Internet browser accessing any of the standard Internet search engines would produce thousands of “hits” (Web pages) that featured the material, including many that displayed it as a come-on to invite more detailed viewing available with a credit card (the industry standard for “adult verification”). Thus anyone, of any age, able to operate a Web-accessible computer could easily view some of the images. A postage-stamp-sized animation of Anderson felling her husband seems to be the most common image used in these promos.⁵

HOME MOVIES

The tape that IEG circulates as *Pam and Tommy Lee: Hardcore and Uncensored* (1998) is an edited version of about three hours of stolen home video. It is selective: segments are divided by intertitles; digital blurs obscure people who appear other than the principals; and there is audio distortion of others’ voices, and music added (possibly to cover

ambient commercial music originally on radio or CD and legitimately copyrighted). For all its notoriety, only a fraction (about eight minutes) of the fifty-four minute tape contains explicit sexual imagery.

The tape begins without titles in a dressing trailer on the set of *Barb Wire*, followed by Anderson's birthday morning in a bedroom, then a visit to a luxurious powered yacht (apparently a rental) where Anderson opens gifts. On open water, the couple sunbathe. She pulls his shorts, exposing him, flashes a breast to the camera, accompanied by kissing and proclamations by both, "I love you. I love you, baby." Especially at the start, the camera work is quite shaky and sometimes the lens is dirty. One twenty-two-second shot shows a blow job from his point of view. After a few shots of a band rehearsal, at about fifteen minutes into the tape, their Malibu residence is shown with Anderson operating the camera. Outdoors with their three dogs, among more declarations of love, she asks, "When you going to get me preggos?" She encourages him to flash his penis, but one of the dogs bumps her at the crucial moment.

At eighteen minutes they head out for their "first holiday" in a Chevy Suburban with a boat in tow. On the road she tapes his erect penis sticking out of his shorts while he drives. She fellates him. He exclaims, "Fuck, I'm so fucking horny!" Video taping his penis on display, she says to the viewer, "I get this for the rest of my life, kids! Yes! Mom is a lucky camper! . . . Oh, we're not going to show our kids this tape." They finally pull over to the side of the highway to finish the activities.

At Lake Mead the couple travels about most of the time in a houseboat. Shots of each other mix with the scenery. Pam shows Tommy fishing and catching a small fish, naked with an erection preparing a breakfast plate, driving, diving nude off the boat, calling out in a canyon, which produces an echo, toasting marshmallows over a campfire, and so forth. He shows her swimming nude, sunning (he asks her to spread her legs), plays with an orange filter to produce a "sunset" scene, and shoots her strumming a guitar at the campfire. Sex alternates with other mundane vacation moments in this section. In several cases they seem to trade the camera back and forth while lovemaking proceeds.

In the late 1980s, and continuing into the 1990s, the commercial porn videotape business witnessed a remarkable expansion of tapes shot with high-quality consumer-format cameras. Often the maker worked solo and was both performer and cameraman hiring "amateur" talent (who often seemed to be sex industry workers and were "ama-

Image caption: "I get this for the rest of my life, kids! Yes! Mom's a lucky camper . . . Oh we're not going to show our kids this tape." Anderson and Lee, 1995 home video; subsequently pirated.

teur" only in the sense they were not familiar actors). This "gonzo" sub-genre foregrounds the personality of the maker, such as John "Buttman" Stagliano, who traveled to Europe and Brazil looking for his fetish, and Ed Powers, who did over a hundred of his "Dirty Debutantes" series in ten years. Over time Powers often used additional camerapeople, which allowed for more variety in camera angles and cutting.

The Anderson/Lee tape fits the familiar style of gonzo porn in the sex scenes when Lee holds the camera and his POV predominates. However, when Anderson controls the camera the POV shifts out of the dominant norm of heterosexual pornography. We get a relatively unusual shot of his face while he operates in the missionary position, as well as her view of him performing cunnilingus. In one episode, after fucking he withdraws and masturbates to ejaculation. Why he does this is not stated, but the effect is to re-create the traditional porn "money shot" of ejaculation outside the partner's body.⁶ This raises questions about the difference between the articulated goal of getting

Image caption: Gonzo porn?
The most widely seen home "movie" since the Zapruder film.

Anderson and Lee, 1995 home video; subsequently pirated.

her pregnant and the conventions of porn (showing ejaculation), or perhaps he can climax, or climax better, by finishing with his own hand rather than inside her. Since the POV is hers, the shot functions as well as a way for her to study him, capturing the image of his face in orgasm as well as the sight of his penis ejaculating—not so unusual for new lovers since the exploratory process involves much more than carnal knowledge.

In the later 1990s external male ejaculation also became a popular topic of public discourse, ranging from the presidential stain on Monica Lewinsky's dress to the "hair gel" joke in *There's Something about Mary* (1998). In the Anderson/Lee tape such sexual moments provide the voyeuristic allure of documentary "authenticity." Since celebrities and stars are usually experienced and talented in performing their personas, the press and public are always fascinated with the unguarded moment (such as public drunkenness or press access to otherwise private space). The Anderson/Lee tape promises precisely such "authen-

ticity." Although on-camera, the space is considered private by the performers, and the performance is simply for each other (although the couple refer to an upcoming visit to his parents where they might show an edited version of the tape as vacation footage). But, as is often remarked about "private" diaries—that they are written with the knowledge that they will be read by others at some point—Pamela's exclamation about Tommy's penis states and then erases the idea of viewers other than the couple themselves. But this is precisely what makes the tape seem especially interesting to celebrity watchers. In viewing the tape we assume that we are seeing the "real" Pamela and Tommy, not their media images.

SLIPPERY SLOPES

The Right, in particular, makes policing sexual images a full-time obsession, often with the stated or implied worry of slippery slopes: any and every change from the norm in the direction of liberalization leads us all to worsening social decay. Our only protection is to stand fast against change, with the moral panics about movie and TV violence, rap music, and Internet pornography in the 1990s providing visible examples, and the ludicrous Ken Starr investigation and presidential impeachment proceeding another prime example of "slippery slope" rhetoric and politics. The Left too can fall into this mode of punditry, especially about popular TV. But for serious historically situated analysis, the description of gradual accumulated changes is tricky. No one step is totally decisive, and in fact may be reversed, but the general trend is clear. How to make a case without overstating it along the way?

Does Pamela Anderson's representation in the stolen home video-tape significantly change her star image? Have we reached a new limit point in having access to a popular female star in explicit sexual activity while also having her appear as a delightful mom on network TV? Yes and no. That the tape was stolen provides an excuse. That she was having sex with her husband is also a pardon. In fact, the overall effect of the entire tape is—counterintuitively—not a highlighting of the sensational parts, but a placing of explicit newlywed sex in the context of love, affection, enthusiasm, mutual playfulness, and exploration. Two healthy people in a healthy relationship. Tommy and Pamela are

endlessly professing their love, clearly passionate, and devoted—exactly what is left out of pornography.

NOTES

For helpful discussion, thanks to Julia Lesage, Kate Kane, Rick Morris, Jon Lewis, Lars Hubrich, the students in my spring 2000 Contemporary Documentary class who showed up for the optional screening/discussion, participants in the Eighth Visible Evidence documentary conference in Utrecht, August 2000, and seminar participants at Northern Illinois University, November 2000.

Many of the conclusions here are based on familiarity with Anderson's image for over a decade: e.g., different appearances on *The Tonight Show with Jay Leno*. Complete documentation and reviewing are probably possible, but for my purposes here would simply be pedantic and beside the point.

1. IEG originally netcast about thirty minutes of the tape on the Web. It released an X-rated version (*Pam and Tommy Lee: Hardcore and Uncensored*) for retail sale of about \$100, and also an R-rated version (as *Pam and Tommy Lee: Stolen Honeymoon*). In late 1999 it advertised a version that included more footage, including the Anderson/Lee wedding. Pirate versions of the tape were also available (e.g., *The Honeymooners*). I have worked from a pirate version labeled *Uncensored and Untamed: Pamela and Tommy Lee*, which has removed initial titles and credits from the IEG tape, but it does have commercials at the end for the "Club Love" Web site.

2. MTV balked at showing one of Madonna's videos because it appeared she was wearing only an open mesh outfit. Assured that she was wearing a bodystocking underneath, they chose to program it. Later it was revealed that she was indeed exposing her skin in the video.

3. I am not trained as a lawyer and my discussion comes largely from press reports and Web sites for legal affairs (e.g., courttv.com, lawstreet.com, findlaw.com, hollywoodnetwork.com/Law/) and celebrity/fan sites (e.g., mrshowbiz.go.com, pamwatch.com, bestcelebritysites.com, etc.). Given a grant that would provide me access to Lexis/Nexis for legal research and pay me at standard-rate billable hours for legal research, I'd be delighted to provide full-bore traditional scholarly documentation of all this material.

4. For an excellent explanation in terms of case studies, see Jane Gaines, *Contested Culture: The Image, the Voice, and the Law* (Chapel Hill: University of North Carolina Press, 1991).

5. IEG founder and CEO Seth Warshavsky rose quickly as a *wunderkind* in Internet porn. An exposé in *Rolling Stone* by a former staffer contains many allegations of shady and sleazy business deals by Warshavsky, including the claim that he has cheated many other pornographers, which may be why they

freely bootleg "his" tape. Evan Wright, "Porn.com?" *RS*, no. 846 (August 3, 2000): 40–44, 46–48.

6. Linda Williams's well-known analysis of this obligatory shot, at variance from typical sexual practice, describes the necessity for "proof" of the male orgasm, which is precisely what the moving image cannot provide in relation to the female. Williams, *Hard Core: Power, Pleasure, and the Frenzy of the Visible* (Berkeley: University of California Press, 1989).